

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMANY FAHIM BESADA,
Plaintiff,

v.

UNITED STATES DEPARTMENT OF
STATES NATIONAL VISA CENTER,
Defendant.

Case No. C12-1715RSL

ORDER OF DISMISSAL

On November 13, 2012, the Court directed plaintiff to file an amended complaint which clearly indicates that the United States has consented to suit. Plaintiff, proceeding *pro se* and *in forma pauperis*, asserts that the United States Department of States (sic) National Visa Center's ("NVC") denial of her application to become a permanent resident of the United States and the lengthy decision-making process prohibited her from undergoing a second surgery to treat a cyst in her neck. She seeks money damages to cover the cost of her surgery and compensation for suffering. She also requests that the Court order NVC to locate a neurosurgeon to perform the second surgery.

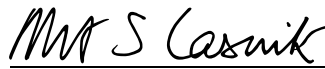
When the Court grants *in forma pauperis* status, the proposed complaint is subject to review under 28 U.S.C. § 1915(e). "Section 1915([e]) is designed largely to discourage the filing of, and waste of judicial and private resources upon, baseless lawsuits that paying litigants generally do not initiate because of the costs of bringing suit and because of the threat of sanctions for bringing vexatious suits under Federal

1 Rule of Civil Procedure 11.” Neitzke v. Williams, 490 U.S. 319, 327 (1989). The Court
2 has the power to dismiss an *in forma pauperis* complaint that fails to state a claim on
3 which relief may be granted or seeks monetary relief from a defendant who is immune
4 from such relief. 28 U.S.C. § 1915(e)(2).

5 Having reviewed plaintiff’s submissions in this matter, the Court finds that
6 dismissal is appropriate. Plaintiff still has not alleged any facts from which the Court
7 may infer that the United States has consented to suit. Such waiver cannot be implied.
8 Gilbert v. DaGrossa, 765 F.2d 1455, 1458 (9th Cir. 1985).

9 For all of the foregoing reasons, plaintiff’s amended complaint (Dkt. # 10) is
10 dismissed with prejudice under 28 U.S.C. § 1915(e)(2).

11 DATED this 17th day of December, 2012.

12
13 
14 Robert S. Lasnik
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26